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SUBJECT: Senegal: Chair of National Electoral Committee Resigns

11. (SBU) Summary: On November 26, Judge Moustapha Toure, the Chairman of Senegal's National Autonomous Electoral Committee (CENA) resigned under pressure from President Abdoulaye Wade. Knowing that he could not legally fire him, the President asked Toure in a November 5 meeting to resign. When Toure responded negatively on November 23, Wade's entourage exerted pressure on his wife who is an official in the President's party thus forcing Toure's hand. End Summary.

Contempt of Court

12. (SBU) According to the 2005 act that created the CENA, the President of the Republic appoints the Chairperson of the CENA and its other members after consulting academics, human rights activists, lawyers and other civil society groupings. President Wade appointed Moustapha Toure, a retired judge, as the first Chairman of CENA. The appointment created a stir amongst the opposition because Toure's wife is a active member of President Wade's ruling Senegalese Democratic Party (PDS) serving on the Social and Economic Council. Article 4 of the Act creating the CENA not only says that its members must be neutral and impartial but it also clearly states that they should not receive instructions or orders from any public or private authority.

What went wrong?

13. (SBU) Senior PDS leaders told Embassy that Toure was forced out because he did not stop electoral litigation that took place in the villages of Ndindy and Ndoulo prior to the March 2009 local elections. It was in these two areas that the PDS missed the deadline for presenting their slate of candidates. The Ministry of Interior nonetheless went ahead and approved the late registered PDS candidates in violation of the law. In response, the CENA took the issue up to the Supreme Court which ruled that the CENA was within its authority to bar the PDS candidates from participating in the election. However, the then Minister of the Interior Cheikh Tidiane Sy ignored both the CENA and the Supreme Court rulings and permitted the PDS (his party) to run a slate of candidates. In the end the PDS was crushed by the opposition, losing 9 out of 10 districts. According to sources in CENA, Toure was actually reluctant to file a complaint but did so after the other members of CENA threatened to resign collectively if he did not. Aminata Sow Fall, the CENA member in charge of the Ndindy and Ndoulo area and a well-known writer, was so shocked by the cavalier attitude of the government that she did tender her resignation, a fact that Toure kept secret to avoid further embarrassment for Wade and his party.

Intense Pressure

14. (SBU) According to people close to him, Toure did not want to resign because as head of CENA he oversaw a budget of USD 2.8 million with little outside oversight. In addition to pressure from his wife, a PDS leader close to Toure's family told Embassy that

Toure's children also pressured their father to resign telling him that they feared for his life, reminding him of Judge Seye, the Vice President of the Constitutional Court, who was assassinated in 1993.

In this cold case Wade was the main suspect and he spent six months in pretrial detention before the case was dropped.

COMMENT

15. (SBU) The President's continued manipulation of the electoral system, whether it be a plan to abolish the second round of votes in the Presidential election or refusing to revamp the electoral rolls, remains a cause of concern for Senegalese democracy. The usually vociferous opposition has remained fairly mute as they find themselves in the catch 22 of decrying Wade's blatant heavy handedness while at the same time claiming that Toure was always too timid and in Wade's pocket. The appointment of the next Chair of the CENA now becomes all that more crucial with Presidential elections slated for 2012. Moreover, the President will be appointing four other commission members because of the resignation of former commissioner Fall and the creation of three new regions. If Wade appoints commission members who are too obviously close to him, it will cast a further shadow of doubt over the institution's moral authority and this might open the way for a return to post electoral instability that Senegal experienced in the late 80s and 90s. End Comment.
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